

FEBRUARY 2, 2011

- Received the McKeesport Weed and Seed Initiative Activity Report for the month of December 2010.

- Received a letter from Raymond Malinchak to Mike Cherepko, Council President, and Regis McLaughlin, Mayor, RE: Resignation of Raymond Malinchak from McKeesport Industrial Development Authority.
- Received a copy of a Memorandum sent by Dennis Pittman to Ken Hillman of Senate Engineering Company, RE: Construction of Cornell School.
- Received a letter from Richard Belotti, Director, Planning and Environmental Affairs, Pittsburgh International Airport, RE: PennDOT Grant Funding through the Allegheny County Airport Authority to Assist Municipalities with Compliance with the PA Airport Hazard Zoning Requirements.
- Received information that the Volunteer Income Tax Assistance (VITA) office will be open in the White Oak Municipal Building on Lincoln Way.
- Received a letter from James Humanic, Director of Human Resources and Assistant to the Business Manager of McKeesport Area School District, RE: Extending the property tax abatement program.

MAYOR'S REPORT:

- Mayor McLaughlin asked Ms. Williams to read a proclamation.
 - Ms. Williams read the following Proclamation:

Proclamation for Black History Month

Whereas February has been designated as Black History Month and will be observed in McKeesport; and

Whereas this observance affords a special opportunity to become more knowledgeable about the Black heritage

and to honor the many Black leaders who have contributed to the progress of our nation; and

Whereas such knowledge can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers of equality for minority groups and the continuing struggle against racial discrimination.

Now, therefore, as Mayor of the City of McKeesport, I do hereby deem and proclaim the month of February to be Black History Month in our City expressing special commendation to the McKeesport Chapter of the NAACP and their members who have labored so diligently to make this observance a reality in our City.

Ms. Williams said the Mayor has signed the Proclamation.

- Mayor McLaughlin said also don't forget the Pancake Breakfast on February 19 at the YWCA on Ninth Street.
- Mayor McLaughlin said the first person they will hear from during the Mayor's Report is Police Chief Washowich.
 - Chief Washowich said good evening everyone. He said he has some 2010 statistics that he would like to present to Council. He said currently the Police Department is staffed with 49 full-time police officers, 10 part-time officers and 2 civilian confidential clerks. He said their fleet consists of 16 marked patrol vehicles, 16 unmarked patrol vehicles, 2 police motorcycles, and 2 bicycles. He said the total mileage traveled for the year 2010 was 364,701 miles. He said through the Traffic Division, they issued 208 orange tag notices on abandoned or junk vehicles. He said 74 of those vehicles were towed as a result of the orange tag ordinance. He said they issued seven handicapped parking signs and utilized the vehicle immobilization unit, also known as the boot, three times.

He said the calls for service for the year totaled 25,154. He said that is approximately 1,000 less than 2009. He said they had 15 officers injured in the line of duty during the year. He said they arrested 2,240 people in 2010 and issued 1,933 traffic citations. He said the jail cell housed, in addition to the City's prisoners, 266 prisoners for outside agencies who contract with the City. He said the Weed and Seed Community Policing activities included ... he said he will run through these very quickly. He said in January they performed an identification program at Centennial School which is the preferred program. He said the program includes fingerprints and photographs of the children that they take home to the parents in case a child becomes missing. He said in February, they performed a 9-1-1 demonstration at George Washington School. He said in March, they performed an I.D. program for Propel School along with the Officer Phil program. He said in April, they performed a 9-1-1 demonstration at Centennial School. He said for the 9-1-1 demonstration, they bring a van in from the 9-1-1 communications center and they teach kids how to call 9-1-1. He said they also show them how to do it on a rotary phone because a lot of houses don't have rotary phones and kids don't know how to dial on the rotary phone. He said in May they completed their I.D. program at Propel School and all the children were photographed, identified and fingerprinted. He said they also participated in the McKeesport Senior High School Prom Promise Program. He said for that program a trauma doctor from UPMC comes to the school and shows a video and they do a mock simulation of a crash and an actual DUI arrest. He said in July, they participated in the Harrison Village Community Day. He said in August, they participated in National Night Out, International Village and International Village for Kids with a crime and safety table where they photographed and fingerprinted children. He said in September, they conducted bringing

City Hall to School at George Washington and Centennial Schools. He said in October, they did a Stranger Danger program at George Washington and Centennial as well as a safe Halloween program at George Washington School. He said in November, they conducted a call-in session at Bethlehem Baptist Church. He said for that session, they met with a group of kids and discussed in open forum some of the issues that some of the youth have with the Police. He said things came out during the discussion and they talked about why Police Officers use bully control. He said they had a lot of great questions from the kids. He said it was an open forum and a great discussion. He said they also completed the I.D. program for George Washington School and participated in the Career Fair at McKeesport High School, Reading Saved the Day at George Washington and Community Hero Day at George Washington School. He said most recently they entered into a joint initiative with the U.S. Marshal Service called Operation Verify. He said the scope of that operation was to identify and visit each one of the Megan's Law offenders in the City of McKeesport. He said the goal was to make sure that the Megan's Law offenders were living where they are supposed to be living. He said if they are a sexually violent predator, they are required to report where they live four times a year to the Police. He said if they are lifetime offenders, they are required to report once a year. He said their job was to go out and visit these Megan's Law offenders and verify that they were living where they said they were living. He said they had 100 percent compliance with that. He said all of the offenders were living where they reported they were living and were in compliance with State law. He said that went well and it was an initiative that was requested by the U.S. Marshal's service. He said he also gave everyone here a packet of their MAPS Program. He said this is McKeesport's Alternative Policing Strategy. He said they should take their time and go over it. He said if anyone has any

questions, feel free to call him. He said this is a very brief description of some of their strategic plans that were implemented last year when he took office. He said he was given a month to come up with a decent plan on how to reduce crime in the City and some of it is in the verbiage of this program. He said obviously the goals were to reduce crime, reduce the fear of crime, and improve the quality of life in the City of McKeesport. He said some of the principles and strategies that are part of the program are: intelligent policing, prevention, collaboration, and continuous improvements. He said prevention was at the top of their list and a lot of the things they have done have been with the community and in communication with the community. He said one of the most effective tools has been to identify conflicts with youth. He said once the conflicts were identified, they would ask some of the community leaders that they talk to on a weekly basis to try to intervene and talk to some of these kids and express to them that if they resort to violence, this is what will happen to them. He said a lot of times they came to the conclusion that two kids who were fighting ended up having common relatives somewhere or common friends. He said they could then resolve that conflict and the kids would not resort to violence. He said that has been a big program that has proven to be successful. He said Operation Cease Fire is also in this packet. He said please don't get that confused with the Cease Fire that they heard about last night. He said Cease Fire is very common terminology used in law enforcement. He said this is not the same Cease Fire.... He said this program deals with the tracking of weapons, time to crime, and origin of weapons – they have learned where the weapons are coming from and are working with the ATF to try and figure out why they are crossing some of these state lines. He said they think they know why and are dealing with that. He said don't get that confused with Western PA Cease Fire. He said Operation Night Light has been a

proven success and is a program where the police department and the juvenile probation officers visit at-risk youth at night, during hours that they don't expect visits from the police or from the probation officers. He said the police and probation officers sit down with the kids and the parents and ask if they need any help. He said, of course, the saturation patrols have proven to be successful over the years and they are continuing that. He said there is also the Violent Strike Force ... and they may have seen the police out there with the shirts that say Violent Crimes Unit. He said they are simply responding to certain neighborhoods in force and deterring crimes. He said he also included their mission statement because he is not sure whether anyone has heard the Mission Statement of the Department. He said he would like to read that Statement to them:

The mission of the department is simple: Commit to a standard of excellence, both in quality and quantity of police services offered to the community. Deterrence of crime, investigation of crimes committed, prosecution of violators, and actively pursue the cooperation of every resident in an effort to create a police/community partnership sensitive to the multitude of cultures that make up the human fabric of our community. The badge is a symbol of public trust, and we wear ours with great pride. With this in mind, we realize it is incumbent upon each of us to adhere to a higher ethical standard to maintain the confidence of our community.

He said they are posting this throughout the Police Station. He said he has nothing else to report. He said if anyone has any questions, or if they are reviewing the MAPS Program and have a question or advice, please feel free to call or email him.

- Mayor McLaughlin said would they be able to post that up in the school system.
- Chief Washowich said absolutely yes.
- Mayor McLaughlin said he thinks they should post it on the bulletin board or somewhere that the school will allow.
- Mr. Segina said they talked last year about enrolling somebody in the FBI Academy, which at one time was a popular program. He said the program gave a lot of prestige to those went through it. He said do they have any plans to send anyone through that program this year.
- Chief Washowich said he doesn't but if he was given the authority to do so, he would be more than happy to look into that.
- Mr. Segina said do they need grants for that?
- Chief Washowich said no, it would simply just be a matter of maintaining the manpower hours of the time that the officers go to the Academy.
- Mr. Segina said how many go at a time.
- Chief Washowich said just one. He said on the request of the Delta Report, he joined the International Association of Police Chiefs. He said through that program, he is being mentored by Chiefs who are members of the International Association on an ongoing International level. He said if he has any problem or questions, he has some guys he can go to for some help. He said that was a recommendation on the Delta Report and it has been a great help to him. He said a lot of the initiatives they have now have been in

effect for quite some time. He said in 2009, they started what they called the Street Crimes Initiative under Chief Joe Pero and Chief Al Tedesco. He said that program has proven to be extremely successful and they carry it out to this day. He said a lot of the programs that they have, he credits to Chief Pero and Chief Tedesco.

- Ms. Walker said she has a question. She said they have in here that the officers are encouraged to dialogue with at-risk youth. She said can he give her some examples about when that would take place and whether it is throughout the whole City that they do this.
- Chief Washowich said obviously communication is encouraged by the Police Officers to talk to some of the youth. He said sometimes there are barriers there and if they get past that barrier then they learn a lot more from each other. He said personally he has been trying to make his way to a lot of the different community events. He said this summer they plan on having their officers attend a lot more of these events. He said last year they attended several and this year they are going to attend more. He said he had some plans on trying to find some finances for a one-day basketball camp to encourage some of the City youth to come and interact with the Police. He said they would obviously run the basketball program. He said if anyone would like to help him on that, he would love some help on it.
- Mr. Cherepko said that would be nice and he will help with that.
- Chief Washowich said there are a lot of great groups in the City that are getting the kids

together and mentoring them. He said they are giving some great advice to these kids and it is a matter of some of the police going and actually taking advice also from some of the kids and some of the mentors in the community.

- Mayor McLaughlin said maybe they should go back to the old days where there police would pull up where a couple of kids were playing ball and take a glove out of the police car and play catch with them for a few minutes.
- Chief Washowich said he is a firm believer in that if they are not publicly ridiculed for doing that.
- Mayor McLaughlin said that is what they did in the old days.
- Chief Washowich said yes, it is a lot of shoe leather, good police work, and bonds the community together a little better.
- Mr. Segina said they chased a lot of us too.
- Chief Washowich said those were the days when you got two lickings, one from the police and one from your dad.
- Mr. Malinchak said would the Chief be kind enough to bring them up to date on the replacement of their police cars and other equipment. He said there have been a lot of purchases recently and he would like him to summarize that.
- Chief Washowich said the fleet is being reviewed as they speak. He said they re-numbered cars today. He said they do have a lot of the older fleet that is sitting now. He said obviously with the purchase of their four new police cars, they

have been able to cut down on a lot of the repair costs. He said during the winter months, they are not putting their newer cars on the streets in fear of accidents. He said they are trying to be fiscally responsible and putting the older equipment out there during these bad months. He said the fleet looks good and they should have a little bit of a break in repair costs in this next year because they are up to date on their fleet. He said they do have an issue with a K-9 vehicle right now and have to determine whether it will be worth putting more money into the vehicle for repairs or to start looking for a new vehicle. He said some of the vehicles they have put a lot of money into against his better judgment but unfortunately they were not able to buy new vehicles at the time. He said they should have a little light at the end of the tunnel with regard to repair costs.

- Fire Chief Kevin Lust said good evening and that was a very nice report. He said he gave the Fire Department's annual report last meeting. He said he doesn't want to be embarrassed here because that was such a nice report.
 - Chief Washowich said he missed last meeting so he had to give the report this month.
 - Chief Lust said in January the Fire Department had a total of 58 calls which included 11 structure fire calls, 10 rescue calls, 11 hazardous conditions, 7 water leaks or flooding, and 14 false alarms. He said as they may have seen in the newspaper, they continued training on the rescue boat. He said the salesman came in and showed them how everything worked on the boat. He said they also had ice training ... some of the men signed up for ice training which was an eye-opener for the City.

He said they thought they had a team here that could go out and rescue someone on the ice. He said it doesn't take 5 men, it takes 27 men to get one person out of a hole in the ice. He said that was held up at Lake Somerset. He said he gives his guys credit for using their time to run up there and take the ice rescue course. He said at the current time, the 2009 grant money is out there right now. He said the items that Council already approved, went out to bid and are in the process of being purchased. He said the hose is in already, the turnout gear is sized and ordered and the thermal imaging camera has also been ordered. He said there is also an item on tonight's agenda for the 2009 grant. He said they will be voting tonight on the exhaust system in the Fire Hall. He said if they have any questions when they come to the items on the agenda, he will be able to answer them. He said also there is a bid through COSTAR for equipment. He said that is all he has right now unless someone has a question.

- Mr. Malinchak said Dennis sent him a book at home that listed all the vehicles the City was insuring which included the fire trucks and everything else. He said he read through the list and it did not include the boat. He said he checked with the Chief and he said the boat was insured. He said he would like Dennis to update that book to reflect that.
- Mr. Pittman said they update that book annually for anything that occurs during the year, so the book Mr. Malinchak had was the one that was up to date as of December 31, 2009.
- Mr. Malinchak said that is what the Chief said. He said the boat is insured, correct.

- Mr. Pittman said oh yes, absolutely.
- Chief Lust said they insured it as it was traveling across the country.
- Mayor McLaughlin said the boat has already been in the water so it has to be insured.
- Mr. Malinchak said is that the way he defines insurance, not by a policy.
- Director of Public Works Nick Shermenti said unlike Chief Lust he ordered a whole fleet of trucks, plows, spinners, the works.... He said unfortunately that is not true ... back to reality. He said he has one thing he would like to say to the Police Chief. He said he is very impressed with the Police Department. He said he feels safe with the Police Department and thanks God every day for them. He said one thing he wanted to bring up that B.J. did not bring up regarding the fleet is that they had a severe problem with their new cars this year. He said Dennis, the Chief and he got into a wrestling match with the dealership. He said they installed push bars on the cars and after they had them for quite a few months and they started eating tires up about every four weeks, they found out that the front ends were not aligned. He said when they sent them back to the dealer, they did not put them in alignment. He said the dealer just went through the motions and didn't tell them they were not aligned. He said then the dealership blamed the pushbars and said they were not going to warranty the cars. He said B.J., Dennis and he fought them on it and got some relief on the tires and the cars are now back on warranty. He said they did have that problem this year with the new vehicles too.

- Mr. Malinchak said that is strange because he is sure that McKeesport is not the only police force in the world that has pushbars.
- Mr. Shermenti said that is right. He said they tried to pull the wool over their eyes and that is just the way it went. He said back to Public Works ... overtime for the month of January was 537 hours for the Street Department. He said it cost the City \$14,500. He said in December and January they used their 3,000 tons of salt. He said he had \$100,000 allocated in the budget and that is now gone. He said that also purchased salt for the Traffic Department and liquid calcium chloride. He said under the contract with TRCOG, the City can actually purchase 125% of their order. He said that means they have about 750 tons left that they can purchase at the regular price, which is \$52.42. He said that price has gone down over the last three years since they participated with the TRCOG. He said if he would use that 750 tons, and he thinks he will, he still has the whole month of February and half the month of March. He said that will put him about \$40,000 over his budget for salt. He said not to mention they have had a tough month. He said he has had to make major repairs on the City's equipment. He said he has probably spent over \$10,000 in replacing hoppers that needed to be replaced, tires that were cut, and hydraulic systems that went bad. He said they can imagine with 537 hours between 7 men in overtime, they ended up with six fender benders. He said they were not bad but they were still accidents. He said he knows at times he did not have all the fleet operating so there were parts of the City, especially alleys and secondary streets, that were not done in the amount of time they should have

been. He said they got through it although he has had a lot of complaints. He said they try to take care of the complaints and he apologizes to the public for this. He said there was just nothing he could do. He said also Pleasant Hills is selling a truck. He said the truck is in excellent shape and they are taking bids from different municipalities. He said he plans on putting a bid on it because he knows they can't afford anything new. He said if he is the successful bidder, he will come back to Council to see if he can find the money to get it. He said that is all he has to report.

- Mayor McLaughlin said what is the bid for the truck.
- Mr. Shermenti said it is anywhere between \$12,000 and \$15,000. He said it is a 10-ton International with a plow and spreader. He said it is in excellent shape.
- Mr. Cherepko said what year is the truck.
- Mr. Shermenti said he believes it is a 1995.
- Mr. Pittman said he thought he heard the news this morning about Phil. He said is there a possibility that they will only have four more weeks of winter.
- Mr. Shermenti said Phil has let him down over the last couple of years and they are not speaking right now. He said Phil is a rat in his book.
- Mr. Tedesco said last night they had a discussion about the potential of vacating Spring Street. He said he would like people to be aware that they may have to do this and what would be involved if

they were to rehabilitate Spring Street. He said just so they know the dollars that are involved.

- Mr. Shermenti said sure, he can go over that. He said this has nothing to do with the school district whatsoever, whether they open Spring Street or they close it. He said Mayor Brewster, Senator Brewster now, and he had Senate Engineering there about 4 years ago and they discovered the reason they call it Spring Street is that there is a spring under it. He said that spring is approximately 22 feet under that concrete. He said the road is undermined. He said only because the concrete was poured with wire and metal under it, and the fact that each section is interlocking and holding the other sections up, that is the only reason the road is still there. He said there is a storm and sanitation line that goes from Coursin down all the way to Walnut Street. He said that line is completely collapsed and it is actually running within itself and running around the pipe. He said in order for them to just do the repairs on the sanitary pipe alone, it was estimated that it would cost over \$1 million by Senate Engineering. He said they would still have to replace the storm sewers that go along the sidewalk. He said there is also a big problem opening that road up with the wall at the school. He said if they open it up to do the line and to fill the void, they would actually be up against the retaining wall that the school owns where the old football field used to be.
- Mr. Malinchak said did Nick say one of the lines is a sanitary line.
- Mr. Shermenti said yes.

- Mr. Malinchak said isn't that part of the interceptors that they sold to the Municipal Authority.
- Mr. Shermenti said no sir, that is not an interceptor.
- Mr. Malinchak said they still have some liability then.
- Mr. Shermenti said yes. He said they ended up selling all the lines to the sewage authority not only the interceptors.
- Mr. Malinchak said why is this still ours then.
- Mr. Shermenti said actually that is not the City's, Mr. Malinchak is correct.
- Mr. Segina said why couldn't they use the vinyl sleeve to take care of that.
- Mr. Shermenti said it is crushed; it is completely collapsed.
- Mr. Segina said in one large section or many sections or what.
- Mr. Shermenti said the whole thing is crushed. He said they cannot get a camera ten feet down it or five feet up it. He said it is completely collapsed.
- Mr. Segina said it has to be fixed sooner or later.
- Mr. Shermenti said he sat in a meeting with the Municipal Authority because he is on that board and he thinks Dale also was there. He said what they discussed with the school district is that if the school took the road over, the Municipal Authority

would go ahead and reroute a brand new line. He said it does not have to be 22 feet deep if they cover that road up. He said it can actually go about 8 feet deep. He said the only thing they would have to do is they would have to change some laterals on the church and a couple of the homes on the bottom.

- Mayor McLaughlin said also the lateral going up High Street.
- Mr. Shermenti said to do that and completely reroute that line would cost the Sewage Authority \$68,000.00.
- Community Development Director Bethany Bauer said good evening. She said most of her report has to do with the resolutions that are on this evening's Agenda. She said she understands there were some questions on Bill #119, #120, and #121. She said through the Weed and Seed Program and the efforts of their Weed and Seed Coordinator, she reached out and is providing these programs to the community through Mon Yough, the CISP Program and the Salvation Army. She said this is money coming directly from Harrisburg. She said the City is just a pass-through for the funds. She said however, because the City is the pass-through, the attorney thought it was necessary to enter into some legal agreement with these entities for their scope of services and so on. She said those programs began on July 1 and the City just received the money last month. She said that is why they are coming up on the Agenda this month.
 - Ms. Walker said so Weed and Seed gives them money.
 - Ms. Bauer said the Pennsylvania Commission on Crime and Delinquency funds the City of

McKeesport, then McKeesport passes the money through to, in this case, Mon Yough, the Salvation Army and Community Intensive Supervision Program (CISP). She said also on Bill #122, it is more of a record-keeping item for the CDBG program. She said there are two organizations that have program income through the Community Development program. She said the City guesstimates each year how much program income these entities will have. She said in this case, they anticipated that McKeesport Development Corporation would have \$12,000 in program income. She said the McKeesport Development Corporation had a business pay off a loan early so they will have more program income than the \$12,000.00 that was estimated. She said Bill #122 simply says when HUD looks at the program, that the paperwork is in place to authorize McKeesport Development Corporation to use those additional resources. She said she believes the total is \$13,000.00. She said finally, Bill #123 is on the Agenda because they received a call extremely late this afternoon from PennDOT regarding the engineering bridge inspection. She said PennDOT is citing an engineering agency, a pass-through. She said she contacted the agency and identified that they had not been notified by the City of the request for proposals. She said however, PennDOT did not tell the City they needed to do that. She said what PennDOT has suggested and the administration would like to do are two different things at this point. She said however, because it was so late in the day that this came to light and PennDOT officials had to go take care of the snow, they are asking that this bill be tabled for this evening's meeting. She said that is all she has for this evening.

- Ms. Walker said she has a question. She said who decides ... is it up to the Weed and Seed Coordinator or a special committee ... who gets the money.
- Ms. Bauer said she has not attended one of those meetings in a long time. She said it is however, her understanding that there are different committees such as a Housing Committee, a Crime and Safety Committee, a Youth Committee and several others. She said it is her understanding that it is the Committee that decides who gets what. She said Bethlehem Baptist Church also wanted to do a program with Reverend Coleman and it was submitted, however the State for whatever reason did not fund that particular activity. She said it is basically a two step approach. She said first it goes through the local committee who makes the application and then Harrisburg decides what to fund and not to fund.
- Ms. Walker said Bethany really cannot answer this because she is not the Weed and Seed Coordinator. She said she would like the Coordinator to come to the meetings. She said she would like more clarification on how this is decided, where the money goes, and who gets it.
- Ms. Bauer said this past fiscal year, which is July through June, one of the grants is to fund the coordinator's position and the other part of that is to fund one of the police officers who is in the Weed and Seed program. She said the other part of that is the programmatic side, which is some of these things and some of the police department's overtime for saturation patrol and equipment.

- Ms. Walker said she is aware of the police aspect of this but what she is talking about since she started is the program aspect of it. She said she has always been told there is no money so she is kind of blown away a little bit.
- Recreation Director Jim Brown said good evening. He said there are a couple of things that he is working on for this upcoming year. He said the first thing is the scheduling because without that he can't work on anything. He said he is pretty much done with the scheduling as far as the Summer Concerts. He said he has to contact two more people for that and it will be completed. He said he has not heard from anyone from the Army or Navy Bands.
- Mr. Segina said he has a call into the Air Force and they are supposed to call him back. He said they told him they are going to come in and he is going to try to verify it.
- Mr. Brown said is he going to try to make that on a weekday or weekend.
- Mr. Segina said it has to be a weekend. He said they usually come on a Saturday or Sunday.
- Mayor McLaughlin said when they come in, do they only come in because they are coming this way and they tell you what date they are coming.
- Mr. Segina said they put the City on their tour stop. He said if they are swinging by through the area, then they will come and stop here if they are playing in Monroeville or the North Hills or even if they are on their way to Ohio. He said there is no charge for them also.

- Mr. Brown said they are going to do something different this year and he has talked to the Mayor about it and he agrees with it. He said what they are doing now is looking for a location in Renzie Park to have the event. He said they have not decided whether they are going to do it on the ballfield or inside the parking lot. He said they are planning on having a circus this year with real animals. He said they are planning on having a big circus coming in for three days. He said the dates are May 17, 18 and 19 which are a Tuesday, Wednesday and Thursday. He said the tickets will be \$10.00 if purchased ahead of time. He said tickets purchased at the gate will be \$15.00. He said this is something they have not done before so he is going to see how it works out.
- Mr. Segina said didn't they have a problem with that last time.
- Mayor McLaughlin said was that the one that was on Jimmy Long Field.
- Mr. Segina said he knows what happened. He said it rained like heck, the circus got stuck on the field with their trucks and ruined the field. He said he doesn't think they reimbursed the City for that. He said the City's insurance had to take care of it.
- Mr. Brown said this group has a \$1 million insurance policy that will cover whatever happens. He said he can go ahead and put it on the cement so they don't have to worry about it.
- Mayor McLaughlin said maybe they should send a copy of the policy in so that Mr. Pittman and Mr. Malinchak can look at it.

- Mr. Segina said what about the parking lot where the pool used to be by the Blue Top Pavilion.
- Mr. Brown said he was thinking about that too. He said the circus people are going to come in and take a walk with him to see exactly where they can put it. He said the five-year plan for ARAD is finished. He said if anyone is interested in looking at it, there is a copy in Patty's office. He said the next Recreation Board meeting will be held on February 10 at 7:00 p.m. at the Viking. He said he has two vacancies on the Board that he will have to fill.
- Mayor McLaughlin said Jim will need to make sure he gets the names in to him at least five days before the next Council meeting.
- Mr. Malinchak said is the five-year ARAD plan still preliminary or is it finalized.
- Mr. Brown said it is finalized.
- Mr. Malinchak said does he have any thoughts about putting it up on the website for the City.
- Mr. Brown said he has not had any thoughts on that but that is probably something they can do.
- Mr. Pittman said they just sent the plan in to ARAD and he would like to get their blessing both for content and disclosure before posting it.
- Mr. Malinchak said that is why he asked if it was final because he realizes that.
- Mr. Pittman said it was finalized by the City but they have not heard back from ARAD.

- Mr. Malinchak said so there is still more to go on yet.
- Mr. Pittman said they submitted it to ARAD but they have not responded to it yet.
- Mr. Malinchak said so they really should not do anything until they get the word from ARAD.
- Mayor McLaughlin said he doesn't have too much. He said he does want to let everyone know that Barb King of the Treasurer's Department informed him they received six business registrations. He said one is on 611 Palm Street ... Michelle Hyerman. He said Equitable Gas Company LLC will be coming onto the millsite into Huckestein's place. He said they are due to move in on February 17. He said Sierra Incorporated, which is the old Double S Saloon on Evans Avenue finally registered. He said Anica Jones registered A Developmental Journey Christian Child Care on Flagler Street. He said Deandrea Electrical Contracting registered at 300 Marshall Drive. He said that gentleman is from the old PECO Building in Tenth Ward that the Municipal Authority is taking over. He said also the YMCA of Greater Pittsburgh, which is the YMCA of McKeesport, finally registered with the City.
- Mr. Segina said were all of these registered voluntarily or did he contact them and ask them to register their businesses.
- Mr. Pittman said they noticed in the Legal Journals that they incorporated or were filing for fictitious names and when Ms. King gets that information sends them a "Welcome to McKeesport" package saying the City is glad to have them here and encourages them to register.

- Mayor McLaughlin said also on another note, because he is on the Municipal Authority Board with Mr. McCall and Mr. Shermenti, he has a short report to give. He said the Municipal Authority of the City of McKeesport is in the process of receiving bids for projects associated with Act 537 Plan requirements. He said there are a total of 15 contracts totaling between \$50 and \$55 million. He said the construction activities and workforce required should provide a boost to the local economy. He said there will be money spent locally by construction workers as well as project fees that will generate millions of dollars for the City in the next two to three years. He said the bids will be open on February 24.
- Mr. McCall said one thing they want to do is to encourage the local contractors to put in for these bids. He said that is what they are really looking for.
- Mayor McLaughlin said the local contractors will fall into some of the subcontractors category and that is already in place and hopefully people like Port Vue Plumbing and different local contractors like that will be involved. He said this may also generate jobs for people in the City in these local companies.
- Ms. Walker said she has a question. She said last month there was a group that came to the meeting that was complaining about not getting any publicity. She said did the Mayor ever meet with them.
- Mayor McLaughlin said Dennis and Bethany met with them.

- Ms. Bauer said actually they met with Mr. Smith twice since the last Council meeting. She said she had a conversation with him this morning because they were having some problems with broken water lines. She said she was trying to assist them with that problem. She said they indicated that it was agencies that the City has no control over that seemed to be a problem. She said Mr. Pittman has asked them for a list of those agencies so that they could possibly assist them. She said they found out that a lot of those agencies were intended for non-profits. She said however that is not going to discourage them to continue assisting Mr. Smith. She said he did indicate that it was not Mr. Pittman, the staff or the City itself but rather the other entities that live in the City.
- Ms. Diggs said are they talking about TruVue.
- Ms. Bauer said yes.
- Mayor McLaughlin said Bethany said they had a water leak. He said the water authority was supposed to go down and replace their meter because it was leaking. He said the company was delinquent on sewage and that is what happened. He said he took care of that and waived the bill.
- Mr. Segina said what properties do they really own in the town besides the old Immel's building and the little shop next door.
- Ms. Bauer said they also purchased the old incubator building where MDC and Representative Michlovic's office was.
- Mr. Segina said he is a little confused. He said they bought all that property up there and then

they got that other property. He said then they are coming to the City for money or assistance. He said if they had the money to buy those buildings, why would they do that without knowing that they had to do those things they had to do to them to put them into the economic plan of the City and then cry wolf because the City is not helping them.

- Ms. Bauer said yes. She said she doesn't know if it was appropriate in a public forum to discuss some of what was meant by their presentation last month in terms of what they thought was going to happen and what is or is not happening.
- Mr. Segina said she can whisper in his ear. He said he is confused by that.
- Ms. Bauer said they are all aware throughout the country that the financial institutions have tightened up their belts whether you are buying a home, need operating capital, or need a new roof for your house. She said whatever it is, the banks have really narrowed who they are lending to ... not that he or they are a bad credit risk, but it is extremely tough right now.
- Mr. Segina said he has learned some things at MDC. He said when people come in and ask them for money, they are marginal as far as businesses go. He said they have tried to help out quite a few of them that way although some they had to turn down. He said it happens even here. He said they went overboard for EchoStar. He said that blew up in their faces. He said now there is Huckestein. He said he would have loved to see them stay here and build another building for Equitable Gas. He said that didn't happen, they

made a switch instead. He said they try to bend over backwards and still get kicked anyway.

- Ms. Bauer said also if she may add, with the effort of the non-profits such as the McKeesport Development Corporation, the Enterprise Zones and with the state of the economy of late, some of those businesses that they were able to assist at one time, have pulled on the resources that they have going forward. She said that is certainly unfortunate but that is the way it is.
- Mayor McLaughlin said what he doesn't understand is that they came in here crying wolf and expect the City to help them and then the gentleman stands there and says he is leaving the next day for Holland to talk to someone that is worth a \$1 million or something.
- Mr. Segina said maybe he is opening up a bong shop.
- Ms. Bauer said she believes the terminology that they used at one of the meetings is Dutchversity. She said she googled it and
- Mr. Segina said that does not mean they are not going to try and help them
- Ms. Bauer said absolutely not
- Mr. Segina said they have to be on their toes with some of these organizations who come in and make a more thorough review of what they have.
- Ms. Bauer said absolutely. She said she thinks with the efforts today and the collaboration with the Sewage Authority.... She said she spoke with some of the staff there. She said she talked to

Mr. Smith a few times today and knows he talked to Dennis about this particular water and sewage problem. She said absolutely they want to do anything they can for any and all, but at the same time there is only so much the City can do.

COUNCIL REPORTS:

- Mr. Tedesco said he first wants to thank Dennis for getting those comparables on the taxes.
 - Mr. Pittman said it was all Ray Dougherty.
 - Mr. Tedesco said he wants to make his stance on a few of the items on the Agenda tonight quite clear now to avoid any type of conflict later on in the evening. He said according to the Home Rule Charter, the Mayor appoints the City Solicitor. He said he agrees with the Charter. He said it is his personal belief and some may disagree with him, that the Mayor should be comfortable with his City Solicitor. He said for whatever reasons, Mayor McLaughlin is not comfortable with Mr. Elash. He said the name of the Solicitor to him is irrelevant. He said it is the dollars and cents figure that really matters. He said they have one bill authorizing \$60,000 for their current solicitor and another bill authorizing \$40,000 for a special counsel. He said that is \$100,000 just in retainer money that they are spending on legal counsel. He said they sat there with the Delta Group and listened to them tell them that they need to allocate more funds for training for police and fire. He said they heard the Public Works Director tell them that they need more equipment and better equipment. He said he doesn't believe that is a useful way of using the

funds in the City. He said he believes they can use that money for better things.

- Mayor McLaughlin said not to interrupt Mr. Tedesco but that is what he was trying to do.
- Mr. Tedesco said he agrees with Rege but like he said, he is not against whoever Mr. McLaughlin would put in that position. He said he is for whomever the Mayor puts in that position. He said he is not in favor of the retainer amount that Mr. Weiss and Mr. Moldovan are asking. He said he believes it is excessive. He said as he stated last night to the members of Council, he has done his own research through certain friends he has on other Councils. He said he had a cross section with three different solicitors and four different municipalities. He said they had a \$500 a month retainer and \$85.00 per hour; \$12,000 per year retainer and \$110.00 per hour; and \$500 a month retainer. He said McKeesport is going to be paying \$5,000 for one attorney and a little over \$3,000 for another. He said this is excessive. He said it is very excessive.
- Mayor McLaughlin said if he may ask, are the numbers that he is giving them, are they the numbers for a municipality of 23,000 or a borough or
- Mr. Cherepko said he thinks the Mayor is on to something. He said he thinks that is a big concern. He said there are many different accounts. He said Mr. Tedesco seems to be dealing with it on a very minute account....
- Mr. Tedesco said he understands that but then that would be in the billing. He said they are

talking simply the retainers. He said in negotiating the retainer, it is only covers the two meetings a month.

- Mr. Cherepko said if he looks at ... that is all to be decided too and it is different from municipality to municipality. He said there are some retainers where they are going to bill everything. He said he doesn't want to say for sure because he doesn't know, but it is pretty safe to say that if someone is billing \$500 a month as a retainer, then they are most likely going to bill you for everything. He said that even includes a phone call. He said if they are on the phone with them then it is billed.
- Mr. Tedesco said he knows that as he said. He said he knows two of three of these do not bill for phone calls. He said when he looks at Mr. Weiss's thing, he does not bill for phone calls, however it appears that he pretty much bills for everything else. He said so they are paying \$5,000 a month for two meetings and phone calls.
- Mr. Cherepko said according to ... he thinks Mr. Weiss listed three things within his contract that he would bill for and everything else was pretty much covered.
- Mr. Tedesco said three things.
- Mr. Cherepko said he believes there is a list of three things.
- Mr. Tedesco said there are quite more than three. He said there are all these

- Mr. Cherepko said the retainer covers all services except litigation, labor negotiations and arbitrations or any tax matter.
- Mayor McLaughlin said he thinks every solicitor charges for those things.
- Mr. Tedesco said yes, right.
- Mr. Cherepko said there are discussions, setting up agendas, resolutions, ordinances and a lot of other work that needs to be done.
- Mr. Tedesco said and Mr. Cherepko believes this would equal \$5,000 a month.
- Mr. Cherepko said he just goes by the numbers and if they look back 15 years ago at this City as far as what the legal expenses were going out, they were pretty much the same. He said that was 15 years ago. He said everything goes up and everything goes up with time over a 15-year period. He said if they just take the cost of living, 15 years ago a solicitor made a \$45,000 retainer at the City of McKeesport. He said some might say that wouldn't it be nice to save money. He said he looks at it this way. He said if they are spending the same now that they were 15 years ago, then they are saving money. He said because everything is going up.
- Mr. Tedesco said but they are not spending the same amount as 15 years ago.
- Mr. Cherepko said they budgeted the same expenses ... Mr. Pittman has been here a little longer than he has been.

- Mr. Tedesco said Mr. Cherepko just said a \$45,000 retainer and they are moving to a \$60,000 retainer. He said he is not even including Mr. Elash's
- Mr. Cherepko said he is talking about the end number. He said if they come in somewhere in the ballpark back then they were spending anywhere from ... and Mr. Pittman can correct him if he is wrong ... \$120,000 or \$130,000 a year. He said that was pretty much the average even before they went into the contract with Mr. Elash. He said that was pretty much the average of the cost. He said instead of going above that, they now create
- Mr. Tedesco said according to the January 16, 2002, Post-Gazette, Mayor Brewster or then President of Council Brewster was quoted as saying that they had spent previously over the two years between \$90,000 and \$95,000.
- Mr. Cherepko said he doesn't have an answer to that.
- Mr. Pittman said he thinks and he can look it up for them but he believes Mr. Segina said in the workshop last night that in 2003, shortly after that article was written, they spent \$190,000. He said he can verify that for them.
- Mr. Tedesco said so two years is not an aberration but Mike is saying they are going to base it off of one year.
- Mr. Pittman said he is not saying anything but will go look the number up for him. He said he has not seen the bills and doesn't know what the retainer was or what Falco charged for. He said

there was a major tax issue in 2002 that they may recall. He said he can't do that off the cuff.

- Mayor McLaughlin said Mr. Muscante charged a lot of money because they did an assessment at the Palisades to reassess people's houses without the approval of Council.
- Mr. Tedesco said so they are saying that should have never been approved.
- Mayor McLaughlin said they did it on their own without the approval of Council.
- Mr. Segina said back in the 1980's when they paid \$45,000 for the solicitor; he can honestly say that doesn't mean that was correct either. He said who knows. He said if they don't go out and talk to some attorneys and say they would like to see a request for proposal and see what they charge, they are sticking here on two attorneys period and not going out to see what the market prevails. He said they are there to save money for this City and they are not doing it right now. He said in fact they heard from Mr. Shermenti and Chief Washowich and they both have problems with equipment and manpower. He said here they are saying that this is a good buy and look how much they are saving. He said they should save more. He said there is no law saying they can't bring someone in and ask them what they want for a retaining fee and how much they will charge per hour. He said he would like to see that for once. He said the one they had here back in 1980, if they were paying them \$45,000, he doesn't know if that was a good amount either. He said maybe that was some kind of a deal but he has no idea. He said it is worth looking into to see if they are

getting the right amount of money they can for a City of 24,000.

- Mr. Tedesco said the only thing he would like is that he thinks they need to make more useful expenditures with their money. He said they still have two men laid off and need equipment and training. He said he doesn't believe this is the efficient way to spend the City's money. He said that is all he has.
- Ms. Walker said at the last meeting she inquired about the process for determining street paving and patching and who decided what streets get paved and which ones do not. She said the suggestion was made to her to give them a list of streets and that is what she did. She said she gave Mr. Shermenti a list of some streets that she feels need to be paved.
- Mayor McLaughlin said did she use a lot of gas driving around town.
- Ms. Walker said she did.
- Mr. Shermenti said he needs an assistant. He said she did a great job. He said some of these streets are owned by the State and some by the County so those are exempt. He said there are not that many. He said also on her list, they cannot do quite that many in one year but he thinks she just made a list of what is bad. He said he certainly hopes that she would not want him to do all these in one year. He said here is what they have. He said he went along with the Mayor and they went out and looked at streets. He said he believes they don't have too much in the General Fund this year to do streets. He said they are probably going to pull that money out of the General Fund for the excessive salt. He said either way they do

get money from Community Development. He said they went out into the different neighborhoods and found that Coursin, Library and Bailie on her list are also on their list. He said when he does a list for the year there are only about five to seven streets because he knows they don't have that much money to spend. He said they have to go with what is eligible for the different streets. He said he will give her a perfect example. He said Gray Street up in Grandview and Rogena at the end of Jenny Lind are not eligible through the CDBG because CDBG or HUD has not caught up with the list of the streets and the population. He said they are behind. He said believe it or not, he wanted to do Rogena but it is not eligible. He said he could probably still do it with the General Fund money.

- Mr. Pittman said he would like to interrupt for a moment. He said when they get the new Census out, some of those streets may be eligible by next year.
- Mr. Shermenti said maybe that is right. He said it just so happens that at the beginning of the year they have to make the list. He said he thinks they have a little under \$200,000 total to be used to pave this year. He said that will probably get them seven streets this year because they also need to be milled. He said that is how they come up with the list. He said she has a great list and he is going to keep this list and should knock three or four off the list this year and then maybe three or four next year too. He said it is a slow process.
- Ms. Walker said is it cheaper to patch than pave.

- Mr. Shermenti said patching is just a temporary thing.
- Ms. Walker said some of these streets need patching.
- Mr. Shermenti said right now after the cold shock that they got, all the patches and potholes are all popped out. He said yes, they have a major patch that they are going to be doing throughout the whole City. He said in fact today was not a bad day and they did some patching today.
- Ms. Walker said okay. She said she will meet with Bethany about what streets are eligible for CDBG because she will be following up on this. She said just to let the audience know, she is not going to go through all of them but will just give them some of the streets she found. She said some of those streets are Pirl, Eleventh Street, Pebbles Lane, Shaw, Main Street, Evans, Hazel, York, Harrison, Packer, Soles, Union, Coursin, Bailie, Library, Garbett, Hamilton, Ohio, Boyd, Grant, Clay, Beech, Flagler, Beaver, and Willow. She said those are some of the streets that she figured.
- Mr. Shermenti said his street isn't on there.
- Ms. Walker said it probably wasn't as bad as some of these streets.
- Mr. Shermenti said just to let her know when she talks about how bad the streets are, six years ago, they did the bond issue and paved all those streets and spent millions of dollars. He said if anyone has ridden up to the Haler Heights area and looked at Marshall Drive this week, it looks like an earthquake happened. He said it is three-

dimensional although it will go back down. He said from the freezing weather, everything has just exploded out there.

- Ms. Walker said this is just an idea that she will of course bring up again. She said she thinks they should try to make it fair with these streets and maybe they could do a lottery. She said maybe they could do a lottery bimonthly, monthly or annually and just put the streets in there and then pick them out. She said she knows a lot of this is based on funding and that is why she wants to sit down and talk to Bethany. She said she just thinks there needs to be some kind of structure to this process. She said she wants to move on to her next subject, which is Weed and Seed and is something she has been talking about for a long time. She said talked to Councilman Dale McCall and he suggested that she bring a list of ideas that she feels Weed and Seed should do. She said she would like to meet with the Weed and Seed Coordinator and do some type of work session and give this to Patty so she can give this to Miss Sherry. She said some of the ideas she has are to create a support group for parents that have lost children to violence and have those meetings at the Resource Center because they pay for that Resource Center. She said they have a lot of local churches in this community that have youth ministers and there are a lot of groups that do not belong to a church. She said Larry Wallace does a lot of work with children and she feels that the local groups should be able to get some of this money that the Weed and Seed grants out to organizations. She said she thinks they should collaborate with the local churches. She said Rainbow Temple Operation Save Our Youth is open every Friday from 6:00 to 9:00. She said

maybe they should open the Resource Center that is just sitting there at night and let the kids come in there. She said there are computers in there, and they could work with the churches and the churches could come down there and monitor the kids. She said they could organize a church basketball or baseball league. She said they could give some of that grant money to the local churches. She said there are so many non-profit groups in Allegheny County that they really should not limit themselves to just McKeesport.

- Mayor McLaughlin said that she has to remember that the Weed and Seed is only in selective wards.
- Ms. Walker said but they can give the money to whoever they want to give it to regardless of the Ward that they are in evidently because they chose
- Mayor McLaughlin said Bethany is that the case.
- Ms. Bauer said it depends upon the population that they serve.
- Ms. Walker said these groups definitely serve the population that is supposed to be served for sure. She said there is a wealth of resources that they can't just say they are going to stay local and stick with their own. She said that is ignorant and they have to grow out of that and evolve to a different level. She said there are so many groups in Allegheny County that could actually come in here and do some good work such as One Vision, One Light and Family Links. She said she wants to do gun buyback days. She said they could have workshops at the Resource Center on parenting, housing, budgeting, and utility assistance. She

said they could have strategy meetings with other Weed and Seed programs. She said there is one in Aliquippa, East Liberty and Allentown. She said they can sit down and talk to them. She said they need to reorganize the Task Forces because everyone is not a part of the Task Force. She said they need to reorganize them and make sure that everyone feels like they are a part of them. She said she went onto the Weed and Seed data center and the City is not enrolled on there so they need to make sure they get on there so they can get their data on there. She said that is when they partner with the school district and go into the schools. She said they need to have anti-gang assemblies. She said they have gangs and they need to face that and address that issue. She said they can do class discussions on gang prevention and proper behavior with police. She said she has talked to B.J. a lot in detail about this ... going to the schools and talking to the kids about how to deal with the police. She said again they should begin a mentoring program with the local juvenile probation office and find mentors in local churches. She said that means that they need to go to the local juvenile probation office here in McKeesport and get mentors for those children who are on probation through the local churches. She said those are the kids at risk. She said they also need to create a crisis responsive team. She said now they only have Pastor Coleman. She said they voted on it and they said yes to it and passing it. She said she thinks it should be more than just Pastor Coleman, a group of people, a crisis responsive team that responds when a family has a relative that is fatally wounded or murdered. She said it shouldn't be just one person, it should be a committee of people that go out and work along with the police. She said she

knows she keeps saying this and they keep saying it is going on but she doesn't ever see it. She said those are some of her ideas and they will definitely hear about them again.

- Mr. Dellapenna had nothing to report.
- Mr. Segina had nothing to report.
- Mr. McCall said he just has one small item to discuss. He said they are gearing up for an election here in the City of McKeesport. He said they have a Home Rule Charter here and there is a part of the Home Rule Charter that they have to get corrected because they have City employees who run for office or whatever. He said the City employees have to know that they may be challenged again because they have not changed the Home Rule Charter. He said they may have a court battle again. He said if he is not mistaken, Mr. Elash and Mr. Moldovan are going to have to get together with Council and figure out what they are going to do here and how they are going to do it. He said they have City employees who are holding political offices. He said the Home Rule Charter states that they cannot do that. He said this is the argument they have had for the last four years and they had to go to court. He said if the employees violate the Charter, they have to resign their positions. He said that is something they don't want to have to do.
 - Mayor McLaughlin said he thinks the last time they went to Court, the court ruled that they were allowed to sit on the School Board or whatever.
 - Mr. McCall said at that time. He said that was the second challenge and the judge also stated that the City needed to fix that. He said the judge stated that the City needs to fix that and it was one of the things that they said they would do.

- Mr. Tedesco said wasn't there a recent vote on a referendum to amend the Home Rule Charter.
- Mr. Segina said union employees cannot run for public office. He said that was the ordinance that was adopted a few years back. He said that was the only thing they have had so far.
- Mr. Elash said the only referendums they voted on to amend the Charter were the creation of the Personnel Committee when Mr. McCall was on Council last time. He said he believes they amended the Charter on the bidding process ... to change the bidding requirements for the City. He said he doesn't think they ever put that up for referendum vote.
- Mr. McCall said so they have an ordinance but not
- Mr. Elash said there may be ordinances before he was here about union employees and there are a lot on the books. He said he thinks what Mr. McCall is getting at is ... and he came to see him about this ... is that the wording of the Charter is a gray area. He said the gray area is when they talk about the union people and because of the wording of the Charter and the way it is written, it talks about political activity and there are a lot of ways that people can think they are okay and could actually end up being charged with a crime. He said the previous administration interpreted that to be it basically doesn't have meaning unless someone is actually requesting contributions. He said no one has ever enforced it. He said he thinks what Mr. McCall is getting at is that they have a lot of City employees that are holding offices and running for political office and at any

point, if the leadership were to change, they could technically be charged with a crime.

- Mr. Tedesco said what they want to do is clarify the interpretation.
- Mr. McCall said they have clarified the interpretation but that has to be changed in the Charter.
- Mr. Cherepko said he thinks this has been coming up for some time and Mr. Segina has brought that up before. He said not just what Mr. McCall is relating to but the Home Rule Charter in general and other aspects of it.
- Mr. Segina said not only the Home Rule Charter but the Administrative Code and the Personnel Policy. He said they all three
- Mr. McCall said they are all different.
- Mr. Segina said they need to schedule some time to get together to do that.
- Ms. Diggs said it has never been changed on the Home Rule Charter.
- Mr. Cherepko said there are a lot of gray areas and the consensus seems to be that in some point in time here they need to get together, sit down as a committee and try to clear up some of the gray areas.
- Mr. McCall said they could have employees that may have to resign and they don't want that to happen.

- Mr. Tedesco said it is still subjective, he understands.
- Mr. Malinchak said the last challenge in Court was not directly at the Home Rule Charter. He said the mandamus was charged forcing and asking the court to force the Mayor to enforce the Home Rule Charter. He said it was indirect. He said the judge came back and said that is not the approach that should be taken. He said that is when he threw it out. He said it still opens it up that someone could go directly to the Home Rule Charter.
- Mr. Elash said Mr. Malinchak is correct. He said the last court case was a mandamus actually trying to force the Mayor ... and they asked in the lawsuit to knock the people off the ballot or to fire them. He said if they read the provision in the Charter, even if they were guilty of the political activity, the Mayor does not unilaterally do anything. He said the Mayor would have to take this to the District Attorney who would then have to prosecute the people. He said once they were convicted of the crime, then they would lose their jobs. He said the procedure was out of whack. He said he is not saying that the court would have ruled for the person that was bringing the suit. He said he still thinks the City had a valid legal argument by going to past practice and how it had been enforced in the past. He said Mr. Malinchak is correct, that really did not test the issue at all. He said the City's legal defense never let them get to the action.
- Ms. Diggs had nothing to report.

- Mr. Cherepko said he had two things. He said Dennis said the Comcast agreement doesn't seem to be going too well.
 - Mr. Pittman said they have a proposal from the Cohen Law Group that would justify five communities that would save money if they went in collectively. He said he has not heard back from John and they need to get on the Council schedules of those other four communities. He said there are two other communities that are in an agreement with the South Hills COG that if they assign that to theirs would make it extraordinarily attractive to the City. He said he has not heard back from John.
 - Mr. Cherepko said are the five communities aware of this.
 - Mr. Pittman said he doesn't know the answer to that.
 - Mr. Cherepko said at the last TRCOG meeting, he had the impression
 - Mr. Pittman said some of them are much smaller than McKeesport such as Dravosburg, Liberty, Port Vue.
 - Mr. Cherepko said he got the impression that they were backing off of that for whatever reason. He said they did not say that directly but it did not seem that there was as much positive feedback from it as there was from the previous meeting.
 - Mr. Pittman said he thinks what transpired was that a representative from Comcast found out they were collaborating and contacted them directly and tried to convince them in their self-

interest to only deal individually. He said they can draw any conclusions they want from that.

- Mr. Cherepko said the other thing he has is that last month they discussed a little bit and talked about the fact that they are at a crossroads after seven years under Mayor Brewster. He said it is no secret there is an election coming up three months from now. He said of course right off the bat they were faced with the issue of the solicitors. He said last month to keep the best interest of the City at heart ... because he feels like they could sit here and debate about the Solicitor and Special Counsel ... but their time and energy needs to be spent elsewhere. He said they have much more important things to be dealing with in this City. He said he thinks everyone up here agrees. He said they did talk at the last meeting and he asked Mayor McLaughlin if it would be okay to have the solicitors sit down and discuss the situation and see if they can come up with any sort of amicable solution. He said it was his impression that this was taken care of because the attorneys sat down, there was an agreement reached and it was presented to them on the Agenda this evening. He said he is now under the impression that has been changed. He said is that true, Mr. McLaughlin.
- Mayor McLaughlin said what has changed.
- Mr. Cherepko said the whole agreement with the solicitors.
- Mayor McLaughlin said first of all he does not remember the two of them sitting down and talking.

- Mr. Cherepko said it was at the meeting last month.
- Mayor McLaughlin said he doesn't remember that. He said he remembers a lot of things but he doesn't remember that.
- Mr. Cherepko said he didn't ask him if it was okay to have them sit down?
- Mayor McLaughlin said Mr. Moldovan and Mr. Elash sat down together.
- Mr. Cherepko said that is what he asked him.
- Mayor McLaughlin said he didn't say that he was okay with that. He said he doesn't remember saying that.
- Mr. Cherepko said he has the minutes from last month and he can read them.
- Mayor McLaughlin said if it is in there then okay then he did but he doesn't remember.
- Mr. Cherepko said he absolutely finished with that. He said read the minutes:

Mr. Cherepko said ... "I propose that they sit down with their respective attorneys and attempt to come to a peaceful resolution that that they can all live with until the voters of their fair City have a chance to make a final decision in May and November. They need to focus our attention on stopping the violence on our streets and bringing the businesses into the City other than law firms."

- *Mr. Cherepko said if Mayor McLaughlin agrees to put both attorneys in the front row, they can try to get to this Agenda peacefully this evening.*
- *Mayor McLaughlin said he agrees.*

He said then those two

- Mayor McLaughlin said if it is there, then
- Mr. Cherepko said then the attorneys sat down, he and the Mayor did not sit down personally.
- Mayor McLaughlin said that is the impression he got was that he and Mike personally sat down.
- Mr. Cherepko said he would have had no problem sitting down with him or whatever.
- Mayor McLaughlin said they sit out here in public and that is a different story.
- Mr. Cherepko said with that said is there ... the agreement that was made between them no longer
- Mr. Segina said he doesn't think that means anything. He said it is the vote that counts here.
- Mr. Cherepko said the first bill when they get to it, Bill #113, Mr. Tedesco brought up a possible problem with it because it had to be recommended by the Mayor.
- Mayor McLaughlin said he thinks it does. He said Patty would you please read this into the record.
- Mr. Cherepko said that is what he is going to ask, is the Mayor recommending it.

- Mayor McLaughlin said Patty Williams is going to read this into the record.
- Ms. Williams read the following:

To Bert Moldovan, RE: Charter Issues

Dear Bert,

Section 1407 Modification of Budget page 21 provides that at the request of the Mayor and prior to November 15, Council may authorize or ratify modifications to the current adopted budget. If there is a change of more than 15% from the original budget in departmental appropriations, it must be done by Ordinance and pursuant to the normal budgetary adoption procedure. After November 15, all modifications must done by Ordinance. Therefore, it would appear that the Mayor is the only party that can initiate a modification of the budget.

*Very truly yours,
Ira Weiss*

- Mayor McLaughlin said he did not okay this Ordinance to go on the Agenda.
- Mr. Cherepko said with that said when they get to that Bill, he is going to make a recommendation and he should probably wait until they get section. He said he will just wait until then. He said at this point they will go to Citizens in the Audience.

CITIZENS IN THE AUDIENCE:

Mr. Cherepko said first they have Annette James and he asked her to come forward, state her name and address for the record and told her she had three minutes to speak.

- **ANNETTE JAMES, 2618 FOREST STREET, McKEESPORT, PA.** Ms. James said she just wanted to remind everyone that after tomorrow, there will be four more days left in the WehearyouAmerica.readersdigest.com sweepstakes. She said everyone should get on and vote for McKeesport. She said right now they are at number 58 out of 8,495 cities, townships, boroughs and communities that have registered to be in this contest. She said she thinks 58 is really great, but they are going to try to do better if everyone will get in there and vote. She said they can cheer ten times a day. She said they can do it right in a row and it will only take about two or three minutes tops. She said there are four more days so she hopes everyone will get in there and vote.
- Mr. Cherepko said thank you. He said that is impressive, 58 out of 8,495. He then called Ray Malinchak and asked him to come to the microphone. He said Mr. Malinchak should state his name and address and he has three minutes to speak.
- **RAY MALINCHAK, 600 BECKMAN DRIVE, McKEESPORT, PA.** Mr. Malinchak said the thing he would like to bring to the attention of Council and to follow up on Mr. Tedesco's investigation where he looked at three entities that had much lower retainer fees than the amount to McKeesport is the approach that Monroeville takes. He said Monroeville takes a fixed price approach. He said they pay their Solicitor \$210,000 a year. He said the firm is paid that amount and they do everything and there are no more bills. He said it is a fixed price. He said they have a \$26 million budget and the population is approximately 30,000. He said to Mr. Pittman that he noticed under the Council

portion there is something in there for \$40,000 for Council Legal Fees in the monthly statement.

- Mr. Pittman said yes he does.
- Mr. Malinchak said when he adds that number to the other number, he comes up with a number that is close to \$225,000 for all their legal fees.
- Mr. Pittman said that is incorrect Mr. Controller.
- Mr. Malinchak said what is incorrect.
- Mr. Pittman said the budget in the line item of the Ordinance that was passed by this Council which is still in effect right now is \$185,000 and the \$40,000 that he referenced is part of the \$185,000.
- Mr. Malinchak said is it part of the \$185,000. He said then why is it over there and why should it not have been deleted. He said why does he have the \$40,000 under Council and the \$180,000 under the Law Department.
- Mr. Pittman said there is no \$40,000 under Council.
- Mr. Malinchak said may he show it to him.
- Mr. Pittman said absolutely.
- Mr. Malinchak said he hopes Mr. Pittman has the same copy he has. He said he has it highlighted in the left hand column.
- Mr. Cherepko said can he ask Mr. Malinchak ... while Mr. Pittman checks that ... he is basically saying that this Monroeville idea of having a solicitor with a fixed income is a good idea.

- Mr. Malinchak said he thinks if they will let him get through his analysis, it is something that Council has to decide. He said in his opinion yes it is.
- Mr. Cherepko said now can he ask Mr. Malinchak if that is not what they have done the last six years.
- Mr. Malinchak said no it is not because theirs is wide open. He said he emphasized it more than once, fixed price, fixed price.
- Mr. Cherepko said the last six years they had a solicitor that was being paid one sum and never made a dollar more than that.
- Mr. Malinchak said he is talking about the entire account.
- Mr. Cherepko said he is just asking. He said but they are not far off.
- Mr. Malinchak said he doesn't know about that because he doesn't have the numbers in front of him from the previous years. He said all he is telling them right now is that there is an issue here. He said he doesn't know if they have the monthly statement in front of them but under Council is a \$40,000 fee.
- Mr. Cherepko said he doesn't have the monthly statement. He said he was just checking because under Mayor Brewster for the last six years, that is what they have done with their Solicitor which he found that pretty interesting that Mr. Malinchak found that to be a decent idea that they do in Monroeville. He said he appreciates that.
- Mr. Malinchak said there is more to the scenario. He said they have to charge his time to Mr.

Pittman. He said Mr. Pittman is shaking his head. He said does that mean anything.

- Mr. Pittman said it doesn't mean anything to him.
- Mr. Malinchak said what is the \$40,000 doing under Council for legal expenses.
- Mr. Pittman said that is a very good question.
- Mr. Malinchak said who put the budget together sir.
- Mr. Pittman said he did.
- Mr. Malinchak said who should have the answer.
- Mr. Pittman said he should. He said the Special Counsel that he referred to is under the Law Department.
- Mr. Malinchak said that is right. He said the last item, if his memory is correct, under the Law Department is Special Counsel for \$40,000.
- Mr. Pittman said that is correct.
- Mr. Malinchak said so he took the liberty of adding that \$40,000 out of Council to the total that they have under the Law Department and he comes up with about \$225,000. He said Council President, that is the point he is making. He said you take the \$40,000 that Council approved in the budget under Legal and add that to the total for the Law Department and it comes to \$225,000.
- Mr. Cherepko said he thinks this is difficult.
- Mr. Pittman said that has to be an incorrect entry Mr. Malinchak. He said the Ordinance that was

passed calls for \$40,000 less than that as part of Council.

- Mr. Malinchak said how would Mr. Pittman correct that then. He said would he total that account so there is no \$40,000 there. He said is that what he is saying.
- Mr. Pittman said that is correct. He said he will verify that with Mr. Dougherty.
- Mr. Malinchak said he was almost assuming that it was incorrect and that Mr. Pittman was going to solve it that way.
- Mr. Pittman said here are the Ordinance Numbers and it is \$167,000 so if they took \$40,000 off of there that is what they would get.
- Mr. Malinchak said okay, but even if they take the \$40,000 off of there and they go into the City of McKeesport....
- Mr. Cherepko said can he start the clock again.
- Mr. Malinchak said just interrupt him when he hits three minutes and he will sit and bring it up in March.
- Mr. Cherepko said he will give him three minutes from now, is that fair enough. He said go ahead.
- Mr. Malinchak said going to McKeesport and if they just look at the Law Department because Mr. Pittman corrected it and he thanks him for doing that, right now it is \$185,000 on page 9. He said there is \$185,000 there and that is everything. He said if he pro-rates population or budget for Monroeville, he comes up with approximately \$170,000 that this firm out here, Mr. X Firm, who

is doing it for \$210,000 for Monroeville at a fixed price, would do it for McKeesport due to the lower population and budget figure.

- Mr. Cherepko said what did he say the population in Monroeville is.
- Mr. Malinchak said it is approximately 30,000 and the budget is \$26 million. He said if it is prorated down, he comes up with a figure of about \$170,000. He said right there if that firm was sitting here, they could say if they will do it for \$210,000 in Monroeville, why can't they do it for \$175,000 or \$170,000 here. He said then they would not have to worry about any overruns. He said there will not be any overruns. He said this is different than what they have right now. He said right now they have three approaches on the table – the one that Mr. Tedesco proposed giving them three good examples of how retainers are lower He said they are absolutely correct that the communities may be smaller and may have different sets of problems. He said they cannot argue that with Monroeville. He said they have the fixed price from Monroeville, what Mr. Tedesco is throwing out in very preliminary form, plus what they have on the Agenda tonight. He said his recommendation is that perhaps they should hold these things in abeyance and they really should look at this real hard. He said again they have duplication of services which is an issue. He said just for information for Council, he has an invoice over there for Mr. Elash's services for 34 hours in January and it is documented.
- Mr. Cherepko said he did not charge them though.
- Mr. Malinchak said no, but he is showing what he did. He said that was one of the things ... he is

just showing them so they can sit there and say that if they paid him \$100 an hour, he would make \$3,400 so they won. He said if they are paying him ... what is the lowest rate that Mr. Tedesco had.

- Mr. Tedesco said \$80.00.
- Mr. Malinchak said if they are paying them \$80.00 an hour then they lose.
- Mr. Elash said if he may, he stopped drafting the Bill when he got to the amount of the retainer. He said he was simply demonstrating ... Mr. Cherepko asked him to at least document the amount of hours at \$100.00 per hour. He said he is not saying it was a lot more than that for this month because of the limited availability but he did stop when he reached the amount of the retainer.
- Mr. Malinchak said but legally speaking, he did not have to stop, he could have put 200 hours down there and he would have still gotten the retainer.
- Mr. Elash said right, it would have been the same amount. He said that is why there was no reason for him to keep going.
- Mr. Malinchak said what is the benefit of not going on.
- Mr. Elash said more time for him to sit there and write down his time.
- Mr. Malinchak said there is another extreme. He said this case right here shows that he did have 34 hours and now he just added that he quit reporting then. He said what about the case where there is a month where he has no hours, like August. He said then Mike is saying it might

average out so that is why it would have been so nice if he would have put those extra hours down since those are the ones they are going to use in August. He said the point he is making is if the attorney has no hours, he has a very difficult time sitting here and looking at the audience here and the taxpayers, and signing a check for \$3,333.33 if the solicitor did not do anything that month.

- Mr. Cherepko said that is just to him.
- Mr. Malinchak said explain to the public why he should sign that check for him.
- Mr. Cherepko said then why do Mr. Tedesco's numbers, where they are paying that gentleman a retainer....
- Mr. Malinchak said but they are billing by the hour.
- Mr. Cherepko said they still give him a retainer for nothing. He said what if they do nothing.
- Mr. Malinchak said he doesn't have a problem with paying if this measure was put down. He said if there was no \$40,000 retainer and he was paid by the hour.
- Mr. Cherepko said wait a minute. He said he may not be the most intelligent person but he wants Mr. Malinchak to clarify this. He said now he is telling them they should do it by the hour for those months that there are no hours but two minutes ago he said Monroeville had a good idea about paying one rate. He said what happens to Monroeville's attorney
- Mr. Malinchak said there are three plans on the table.

- Mr. Cherepko said please clarify this though. He said Mr. Malinchak did just tell him that the question he raised with him was what about the month that he puts in no time.
- Mr. Malinchak said that is right.
- Mr. Cherepko said but two minutes ago he just said that Monroeville has a great idea.
- Mr. Malinchak said it is a different program Mike.
- Mr. Cherepko said it is the same thing.
- Mr. Malinchak said no it is not.
- Mr. Cherepko said what happens in the month Monroeville has no legal fees.
- Mr. Malinchak said Monroeville covers everything.
- Mr. Cherepko said what if their attorney does not show up. He said Ray is playing what if ... he can ask Mr. Pittman and he will probably say that Mr. Elash never went a month
- Mr. Malinchak said that is not true.
- Mr. Cherepko said is he missing something here.
- Mr. Malinchak said he is missing a lot because there are three different plans.
- Mr. Cherepko said he understands the different plans.
- Mr. Malinchak said what he is saying right here is that if they took
- Mr. Cherepko said Mr. Malinchak is recommending two plans that are totally contradictory.

- Mr. Malinchak said if he wants to get it correct, he thinks the question on the table was that he is uncomfortable signing a check for \$3,333.33 for a month that the attorney puts no time in. He said that is the problem.
- Ms. Walker said has that ever happened.
- Mr. Malinchak said can they guarantee him that it will never happen.
- Ms. Walker said has it ever happened.
- Mr. Malinchak said can they guarantee it will never happen. He said obviously not because it can't even happen because Mr. Elash doesn't have a contract here.
- Ms. Walker said how long has Mr. Malinchak been here.
- Mr. Malinchak said Mr. Elash doesn't even have a contract.
- Ms. Walker said how long has he been Controller and has it ever happened before
- Mr. Cherepko said wait a minute. He said it still goes back to if it is good or not good to do what Monroeville is doing.
- Mr. Malinchak said that is a decision Council has to make.
- Mr. Cherepko said Ray understands why he is confused here because Ray is standing there arguing what if he doesn't do anything.
- Mr. Malinchak said there is no confusion here, there are three different plans – what Mr. Tedesco said on the low retainers, what they have on the

Agenda tonight and then the Monroeville plan. He said what he is doing is only addressing his statements to what they have on the Agenda and the difficulty he has signing a \$3,000.00 plus check for a month that the attorney does not do any work. He said what if the attorney takes a vacation that month and they still give him \$3,300.00.

- Mr. Cherepko said but he will feel real good on the month when he signs a \$3,300 check and maybe he did \$7,000 worth of work.
- Mr. Malinchak said no but Mr. Cherepko just told him not to put in more than 34 hours. He said Mike told him that, he just said that.
- Mr. Segina said he doesn't think Mr. Malinchak is trying to criticize anybody. He said he is saying there is another plan, that he has a plan that he noticed....
- Mr. Cherepko said it is a plan he likes. He said are these plans not totally on one end and the other.
- Mr. Segina said they are from two different people.
- Ms. Walker said what is the plan....
- Mr. Segina said he doesn't know, he has his own plan.
- Mr. Cherepko said he understands what he is saying.
- Mr. Malinchak said he is way over his three minutes and he thanks them for letting him speak. He said he just has one other statement. He said he thinks that every contract for every vendor that

McKeesport does business with should have a clause in it making sure that the person or entity providing the services is current on all their obligations to the taxing communities. He said there should be no delinquent fees or delinquent taxes.

- Mr. Pittman said he would like to make one statement while Ray is ... he is not sure he agrees with Mr. Malinchak's premise but if they used his premise of \$170,000 factoring and trying to get a common denominator He said he does know the Solicitor in Monroeville and he is working with the Mayor of Monroeville because they are co-chairs of the Tax Claim Bureau. He said he would only offer that the number, if they accept his \$170,000 would be compared to the \$100,000 that they are looking at tonight
- Mr. Malinchak said no.
- Mr. Pittman said yes sir and that the gentleman in Monroeville, Mr. Dice, if he records and does out of pocket expenses, the same items they have that get them to \$185,000, he charges extra for those.
- Mr. Malinchak said no, not on a fixed price, he does not get it.
- Mr. Pittman said yes sir, he does because he knows Mr. Dice and has seen their bills.
- Mr. Elash said it is the same filing fees Ray.
- Mr. Pittman said filing fees and other things that are in \$185,000 are also on top of the \$210,000 in Monroeville. He said so if Ray is comparing apples with apples, the \$170,000 is fine if they want to use budget and population although he is not sure

- Mr. Malinchak said if they are so different than Monroeville using Dennis' scenario, then Monroeville should be down here right now hiring this team. He said they could save themselves \$100,000.
- Mr. Pittman said he cannot comment on the Monroeville political process.
- Ms. Diggs said absolutely.
- Mr. Cherepko said thank you Mr. Malinchak.
- Mr. Malinchak said thank you for allowing him to run over his time.
- Mr. Cherepko said before they go into the bills, he believes there are a few appointments.
- Ms. Williams said the recommendations are James Haughey to the McKeesport Industrial Development Authority Board.

MOTION: Mr. Segina moved, seconded by Mr. Tedesco, "To appoint James Haughey to the McKeesport Industrial Development Authority Board."

RC-3 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

- Mayor McLaughlin said would Mr. Haughey stand up so that Ms. Diggs can see who he is.
- Ms. Williams said the next recommendation is Frank Bazzone, reappointment to the Municipal Authority of the City of McKeesport.

MOTION: **Mr. McCall moved, seconded by Ms. Diggs, "To reappoint Frank Bazzone to the Municipal Authority of the City of McKeesport."**

RC-4 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

- Ms. Williams said the next recommendation is Alfred J. Tedesco Jr. to the Tax Claim Committee (Southeast District) Alternate.

MOTION: **Mr. Segina moved, seconded by Mr. Cherepko, "To appoint Alfred J. Tedesco, Jr. to the Tax Claim Committee (Southeast District) Alternate."**

RC-5 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

- Ms. Williams said the next recommendation is Bob Biros as Trail Commission Board Member.

MOTION: **Mr. Tedesco moved, seconded by Mr. Cherepko, "To appoint Bob Biros to the Trail Commission."**

COMMENTS:

- Mr. Segina said where is Bob Biros from.
- Mr. Cherepko said White Oak. He said that is a reappointment isn't it.

RC-6 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

- Ms. Williams said the next recommendation is John Knezovich to the McKeesport Industrial Development Authority.

MOTION: **Mr. Segina moved, seconded by Mr. Dellapenna, "To appoint John Knezovich to the McKeesport Industrial Development Authority Board."**

RC-7 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

- Ms. Williams said the recommended representatives to TRCOG are Mike Cherepko as the delegate and Alfred J. Tedesco Jr. as the Alternate.

MOTION: **Mr. Segina moved, seconded by Mr. McCall, "To appoint Michael Cherepko as the delegate and Alfred J. Tedesco, Jr. as the alternate representatives to the Twin Rivers Council of Government."**

RC-8 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

TABLED BILL:

BILL #160: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICERS TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ALLEGHENY FOR THE REHABILITATION OF THE MANSFIELD BRIDGE.

Mr. Cherepko said Bill #160 will remain on the Table.

NEW BUSINESS:

- Mr. Cherepko said with regard to the recent developments as far as the Solicitor situation, he is hoping to give it another thirty days if need be to discuss something. He said if not, and Mayor McLaughlin is going to recommend the Weiss firm, then he is just letting the Mayor know on the record that they are willing to schedule an interview with Mr. Weiss and his firm if that is going to be his recommendation. He said or they can go the other route and those two can work something out. He said whatever the Mayor wants to do.
- Mayor McLaughlin said they have it on the Agenda so he thinks they should vote on it.
- Mr. Cherepko said his recommendation with that being said is to recommend to this Council that they remove Bills #113, #114, and #115 from the Agenda. He said those bills deal with this situation. He said he is asking for a motion to remove these Bills from the Agenda this evening and they will proceed.
- Mr. Segina said why is that.
- Mr. Cherepko said he just doesn't think there is any reason to go through with these Bills.

- Mr. Segina said they will be without a Solicitor for another thirty days.
- Mr. Cherepko said that unfortunately is not his problem.
- Mr. Segina said whose problem is it.
- Mr. Cherepko said they sat down and had things worked out, Mr. Segina and
- Mr. Segina said who did that, Mr. Cherepko.
- Mr. Cherepko said publicly. He said it was his understanding that the Solicitor and Special Counsel sat down and worked something out. He said is he wrong, Mr. McLaughlin.
- Mayor McLaughlin said they may have sat down and worked something out. He said that doesn't mean that he was involved with it.
- Mr. Elash said he would like to clarify something before this goes any further. He said he sat down and negotiated with not just Mr. Moldovan but also Mr. Weiss. He said he was negotiating from what he understood was on behalf of four Council people. He said he was told by those individuals that they had an agreement from the Mayor. He said if that was communicated indirectly, he is not saying that Mr. McLaughlin is not completely accurate. He said he is just saying maybe in another thirty days they will be able to work something out.
- Mr. Segina said there are seven Council members if he is counting here right. He said why would he only go to four of them.
- Mr. Cherepko said because there were four of them that voted
- Mr. Segina said he doesn't understand that.

- Mr. Cherepko said then let him answer. He said there were four of them that voted for Mr. Elash last month so obviously if he didn't vote to approve Mr. Elash as Special Counsel, then why would he have any concern whatsoever of hiring him.
- Mr. Segina said he would still be concerned and he is still a Councilman. He said maybe Mike could convince him to do that.
- Mr. Cherepko said maybe he could.
- Mr. Segina said before he does that though let him say his little spiel.
- Ms. Diggs said isn't four the majority.
- Mr. Segina said yes it is a majority but it is not all of Council. He said they are leaving out some of them. He said he represents the people.
- Mayor McLaughlin said four people invoke the Sunshine Act.
- Mr. Cherepko said they have to be together to do that Mr. McLaughlin. He said so Mr. McLaughlin should make sure that he knows his facts before he makes accusations.
- Mayor McLaughlin said that is Mr. Cherepko's opinion and it is not a way to conduct business.
- Mr. Segina said let him finish.
- Mr. Elash said as Council's Special Counsel, he assures them that
- Mr. Segina said Mr. Elash is not Special Counsel yet.
- Mr. Cherepko said Mr. Segina
- Mr. Elash said legally speaking as the Attorney for Council, he was appointed legally and he doesn't want to end up in

Court to debate those statements. He said he assures them that whatever discussions were had, all of Council will receive a memo and an update on all of that. He said he assures them going forward that will occur.

- Mr. Cherepko asked for a motion to remove Bills #113, #114, and #115 to once again try to come up with some kind of amicable solution. He said it is getting a little bit ridiculous. He said he has to be honest.
- Mr. Segina said it certainly is.
- Mr. Cherepko said he is speaking and will give Mr. Segina a chance to talk. He said he is speaking now. He said he is extremely disappointed in what has developed through all this. He said it is a shame. He said he thinks at some point they need to sit down ... he was hoping to come to this meeting and, he will be honest with them, that he had all intentions on passing these things and moving on. He said they have other issues in this City that they need to address. He said but no, they want to sit around and want to keep debating these issues with Solicitors and whatnot. He said it is ridiculous.
- Mr. Tedesco said they could handle that if they vote on it.
- Mr. Segina said why don't they just vote on it then. He said why don't they take the vote. He said may he speak now Mr. Cherepko.
- Mr. Cherepko said go ahead Mr. Segina.
- Mr. Segina said can I have the floor.
- Mr. Cherepko said yes.
- Mr. Segina said good. He said he is talking about sense and dollar sense here. He said they have problems in this City, there is no doubt about it. He said if they look on their Delta Project, it says on page 36, right at the top ... these are

expert consultants and he quotes, "Legal expenses are a significant expense for the City at about \$150,000 to \$175,000 per year. Legal expenses were made much lower in 2003 and 2004 but have escalated at 4.5% per year." He said in the meantime, they have barely made it through their payroll this past year. He said at the last minute they fulfilled the obligations for it. He said that is very important because if those people didn't get paid on Union contracts, they are in big trouble. He said they borrowed \$80,000 from their reserve. He said they have a \$500,000 reserve and that is all. He said if something catastrophic happens to this City, \$500,000 doesn't go anywhere. He said they borrowed \$80,000 from that and they are down to \$420,000 right now. He said that is terrible. He said they originally had \$1 million and that is how they balanced the budget and not had deficits the past couple of years, by draining their reserves. He said when that reserve is gone, where do they go from there. He said there is nowhere to go. He said they can't sell Renziehausen Park. He said that is the only asset they have left outside the Palisades and the Marina.

- Mr. Cherepko said Mr. Segina
- Mr. Segina said he is not done yet. He said they also have people on layoffs. He said these are people with families and they are talking about adding more dollars into a budget for a Law Department. He said they can't bring these people back to work. He said Ms. Walker should know. He said they don't have a summer help program because for the last three years now they have not had any youths, which Mr. Cherepko always talks about, being hired. He said they were giving them some money to go to school, either college or high school and for spending money to buy clothes. He said and a little thing like the wading pool has not been opened for three years now.
- Mr. Cherepko said Mr. Segina He pounded the gavel.
- Mr. Segina said Mr. Cherepko said he would let him speak.

- Mr. Cherepko said Mr. Segina has said his piece and now is not time for a political speech.
- Mr. Segina said it is not a political speech He said he told him he would
- Mr. Cherepko said no with what he just said, and now he is speaking.
- Mr. Segina said he is talking about personnel, Mr. Cherepko.
- Mr. Cherepko said now he is speaking. He said with what Mr. Segina just said, he thanks Mr. Segina for saying that because was it not Mr. Segina last night that made the comment at the public meeting that he has no problem going to court, let's go to court. He said the last he understood, going to court costs money.
- Mr. Segina said it sure does.
- Mr. Cherepko said on this hand, Mr. Segina is talking about how they should watch their dollars....
- Mr. Segina said and if they don't go to court it will cost them more money, Mr. Cherepko, because they have a guy here and this was never answered to him. He said that Mr. Elash said he deserves to be Special Counsel and that they cannot terminate him. He said if they get rid of Bert Moldovan, then he can become Special Counsel too. He said it goes on and on and on. He said anyone who gets terminated by the Mayor can become Special Counsel. He said that is an extreme position and a wrong position too. He said if they go to court, he would love to argue that himself.
- Mr. Cherepko said he would need to be appointed by Council.
- Mr. Segina said he would like to argue that himself and he doesn't have a law degree.

- Mr. Cherepko said he needs to be appointed by Council and Mr. Segina is right, that could happen. He said but he would need to be appointed by Council.
- Mr. Segina said what he is doing is setting precedent.
- Mr. Cherepko said what he is doing here is if they vote on these bills now and one gets voted down or another one gets voted down, now what they did is they once again put employees in awkward situations. He said because what it comes down to now is maybe this check shouldn't be signed or maybe this one should. He said then they are putting once again, the employees of the City in situations they don't need to be in.
- Mr. Segina said how could that be awkward.
- Mr. Cherepko said that is one. He said number two
- Mr. Segina said it can't be awkward, they are sitting at home collecting unemployment and probably out of it by now. He said that is awkward.
- Mr. Cherepko said then they are going to court spending more money. He said this way they can come up with some kind of solution. He said they will vote next month regardless. He said he wanted to go on record. He said obviously Mr. McLaughlin did not quite understand what was said last month
- Mayor McLaughlin said hold it Mr. Cherepko. He said Mr. Cherepko said they talked last month. He said he never opened his mouth.
- Mr. Cherepko said he said he talked to him at this meeting.
- Mayor McLaughlin said he didn't open his mouth last month. He said he didn't say one word.
- Mr. Cherepko said the minutes say he did.

- Mayor McLaughlin said he did not say one word.
- Mr. Cherepko said then maybe the minutes are wrong. He said does he want him to pull them out again.
- Mr. Segina said he did not initiate the problem of going to court. He said Mr. Elash did.
- Ms. Walker said Mayor McLaughlin really did say he agreed.
- Mr. Segina said Mr. Elash said he talked to several other attorneys and if he has to go to court to prove it that is what he will do.
- Mr. Cherepko said Mr. McLaughlin, Mayor McLaughlin said he agrees.
- Mayor McLaughlin said Mike already read it once. He said he knows what the
- Mr. Cherepko said he just wants to clarify....
- Mayor McLaughlin said he doesn't have to clarify it, they heard him.
- Mr. Segina said they can put it up for a vote.
- Mr. McCall said he recommends that they take these three bills off the Agenda.
- Mr. Segina said they have a four three vote. He said they should go out for a vote.

BILL #113: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 10-25 OF 2010 FIXING THE NUMBER AND COMPENSATION OF THE CITY OFFICIALS AND EMPLOYEES OF THE CITY OF McKEESPORT, LEVYING TAXES FOR THE FISCAL YEAR; MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2011.

BILL #114: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH J. JASON ELASH, ESQ., AS SPECIAL COUNSEL TO CITY COUNCIL.

BILL #115: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE LAW OFFICE OF IRA WEISS AND BERT MOLDOVAN, ESQ., OF COUNSEL.

MOTION: Mr. McCall moved, seconded by Ms. Diggs, "To remove Bill #113, #114 and #115 from the Agenda."

RC-9 YEAS: McCALL, WALKER, CHEREPKO, DIGGS..... 4

NAYS: SEGINA, DELLAPENNA, TEDESCO 3

ORDINANCE #11-4 – BILL #116: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, SETTING FORTH ITS AUTHORITY TO ESTABLISH AN "AIRPORT DISTRICT OVERLAY" TO INCLUDE: PURPOSES OF THE DISTRICT, DEFINITIONS, AIRPORT ZONES, AIRPORT ZONE HEIGHT LIMITATIONS; PERMITS REQUIRED; USE RESTRICTIONS; NONCONFORMING USES; VARIANCES; CONFLICTING REGULATIONS; AND AMENDING THE OFFICIAL ZONING MAP BY THE ADOPTION OF AN OFFICIAL SUPPLEMENTARY AIRPORT OVERLAY ZONING MAP.

MOTION: Mr. Tedesco moved, seconded by Mr. Dellapenna, "To adopt Bill #116."

COMMENTS:

- Mr. McCall said could the Mayor explain to the audience what this Bill is about.
- Mayor McLaughlin said it is not his Bill. He said it was explained last night, doesn't he remember.
- Mr. McCall said actually he is trying to remember. He said he is just asking.
- Mayor McLaughlin said it was explained last night.
- Mr. Elash said excuse me, are they talking about Bill #117.
- Mr. Cherepko said it is Bill #116.
- Mr. Elash said who put it on if it wasn't the Administration. He said none of these Council members put this on the Agenda.
- Mayor McLaughlin said Mr. Elash is not Special Counsel for anyone so just sit there and be quiet please.
- Mr. Cherepko said Mr. McLaughlin
- Mr. Elash said he doesn't want to have an argument with him.
- Mr. Cherepko said Mayor....
- Mayor McLaughlin said it was explained last night and if he can't remember, he is not explaining it.
- Ms. Walker said Mr. McCall said for the public.
- Mr. Cherepko said for the public. He said they have done this for the last eight years and it is like déjà vu. He said what goes on Tuesday and then he comes out here and he speaks to hear himself speak.
- Mr. McCall said explain what it is.

- Mr. Segina said he can't have anyone speak in the audience during a meeting like this. He said what is going on here. He said this is crazy.
- Ms. Walker said he asked him to explain it to the public.
- Mr. McCall said he asked the Mayor to explain it.
- Mr. Segina said protocol is out the window, he will say that much.
- Mr. McCall said Mr. Segina should know.
- Mr. Segina said he should know and he is seeing it right now. He said he has been here longer than Mr. McCall and he knows what protocol is. He said he is wearing a shirt and a tie.
- Mr. McCall said does that make him smart. He said he looks like a ????? (could not understand the word). He said the blood is going to his brain.
- Mr. Cherepko said all right folks, relax.

RC-10 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

RESOLUTION #2011-9 – BILL #117: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, REJECTING ALL BIDS RECEIVED FOR VEHICLE EXHAUST EVACUATION SYSTEM.

MOTION: Mr. Dellapenna moved, seconded by Mr. Tedesco, "To adopt Bill #117."

RC-11 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE

0

RESOLUTION #2011-10 – BILL #118: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, REAPPROVING A REQUEST FROM LARRY A. BISHOP AND SHERRY M. GRUBB FOR A SUBDIVISION OF LOT 555-C-333 TO CREATE TWO LOTS.

MOTION: Mr. Tedesco moved, seconded by Mr. Dellapenna, "To adopt Bill #118."

RC-12 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA, TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

RESOLUTION #2011-11 – BILL #119: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO THE ATTACHED AGREEMENT WITH THE COMMUNITY INTENSIVE SUPERVISION (CISP) PROGRAM.

MOTION: Mr. Dellapenna moved, seconded by Mr. Tedesco, "To adopt Bill #119."

RC-13 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA, TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

RESOLUTION #2011-12 – BILL #120: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO THE ATTACHED AGREEMENT WITH THE MON YOUGH COMMUNITY SERVICES.

MOTION: **Ms. Diggs moved, seconded by Mr. Tedesco,
"To adopt Bill #120."**

RC-14 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
 TEDESCO, CHEREPKO, DIGGS 7

 NAYS: NONE..... 0

RESOLUTION #2011-13 – BILL #121: A RESOLUTION OF
THE CITY OF McKEESPORT, ALLEGHENY COUNTY,
PENNSYLVANIA, AUTHORIZING THE PROPER CITY
OFFICIALS TO ENTER INTO THE ATTACHED AGREEMENT
WITH THE SALVATION ARMY, McKEESPORT BRANCH.

MOTION: **Mr. Tedesco moved, seconded by Mr.
Dellapenna, "To adopt Bill #121."**

RC-15 YEAS: McCALL, WALKER, DELLAPENNA, TEDESCO,
 CHEREPKO, DIGGS..... 6

 NAYS: NONE..... 0

 ABSTAIN: SEGINA 1

Mr. Segina abstained because he is on the Advisory Board of the
Salvation Army.

RESOLUTION #2011-14 – BILL #122: A RESOLUTION OF
THE CITY OF McKEESPORT, ALLEGHENY COUNTY,
PENNSYLVANIA, AMENDING THE 2010 SUB-RECIPIENT
AGREEMENT TO MODIFY THE AMOUNT OF PROGRAM
INCOME THE McKEESPORT DEVELOPMENT CORPORATION
WAS ALLOCATED IN RELATION TO THE APPLICATION FOR
FUNDING KNOWN AS B-10-MC-42-0106 AND SET FORTH IN
THE SUB-RECIPIENT AGREEMENT FOR FY 2010.

MOTION: **Mr. Tedesco moved, seconded by Mr.
Dellapenna, "To adopt Bill #122."**

RC-16 YEAS: McCALL, WALKER, DELLAPENNA, TEDESCO,
CHEREPKO, DIGGS..... 6

NAYS: NONE..... 0

ABSTAIN:SEGINA 1

Mr. Segina said he is abstaining because he is Chairman of the MDC and it would not be right for him to vote on that Bill.

BILL #123: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPOINTING SENATE ENGINEERING COMPANY AS THE CITY'S BRIDGE INSPECTION ENGINEERS.

MOTION: Mr. Tedesco moved, seconded by Mr. Dellapenna, "To table Bill #123."

RC-17 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

Mr. Cherepko said that Bill was in regard to the information that Bethany provided them prior to the meeting.

RESOLUTION #2011-15 – BILL #124: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A LEASE AGREEMENT WITH PRIDE PROPERTIES, LLP, FOR OFFICE SPACE AT 611 SINCLAIR STREET FOR OFFICE SPACE TO BE UTILIZED BY THE CITY OF McKEESPORT WEED AND SEED PROGRAM.

MOTION: Ms. Diggs moved, seconded by Mr. Tedesco, "To adopt Bill #124."

RC-18 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

RESOLUTION #2011-16 – BILL #125: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICERS TO ENTER INTO AN AGREEMENT WITH MUSCO LIGHTING FOR RENZIE PARK IMPROVEMENTS, SULFUR SPRINGS BALLFIELD LIGHTING, IN THE AMOUNT OF \$47,536.00.

MOTION: Mr. Tedesco moved, seconded by Mr. Dellapenna, "To adopt Bill #125."

RC-19 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA, TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

RESOLUTION #2011-17 – BILL #126: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPPOINTING DENNIS K.E. PITTMAN AS ITS DELEGATE AND ALFRED J. TEDESCO, JR. AS ALTERNATE DELEGATE TO THE ALLEGHENY COUNTY SOUTHEAST TAX COLLECTION BOARD.

MOTION: Mr. Dellapenna moved, seconded by Mr. Cherepko, "To adopt Bill #126."

RC-20 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA, TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

RESOLUTION #2011-18 - BILL #127: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICERS TO ENTER INTO AN AGREEMENT WITH AIR

MOTION: Mr. Tedesco moved, seconded by Mr. Dellapenna, "To adopt Bill #127."

- Mr. Segina said how is this being paid Dennis.
- Mr. Pittman said it is a FEMA grant.

RESOLUTION #2011-19 – BILL #128: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICERS TO ENTER INTO AN AGREEMENT WITH DATAMATRIX SYSTEMS, INC. FOR CONSULTING SERVICES RELATED TO UPGRADING THE CITY’S FINANCE SYSTEMS AND HARDWARE.

RC-22 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

AMEND THE AGENDA:

MOTION: **Mr. McCall moved, seconded by Mr. Tedesco,
"To amend the Agenda to include Bills #129
and #130."**

RC-23 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
 TEDESCO, CHEREPKO, DIGGS 7

 NAYS: NONE..... 0

**ORDINANCE #11-5 – BILL #129: AN ORDINANCE OF THE
CITY OF McKEESPORT, ALLEGHENY COUNTY,
PENNSYLVANIA, AMENDING SECTION 1 OF ORDINANCE
#90-10 AS AMENDED, EXTENDING THE TIME LIMITATION
FOR THE PROVISIONS OF PENNSYLVANIA ACT 76 OF 1977,
"THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE
ACT," TO DECEMBER 31, 2013.**

MOTION: **Mr. Tedesco moved, seconded by Mr.
Dellapenna, "To adopt Bill #129."**

RC-24 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
 TEDESCO, CHEREPKO, DIGGS 7

 NAYS: NONE..... 0

**ORDINANCE #11-6 – BILL #130: AN ORDINANCE OF THE
CITY OF McKEESPORT, ALLEGHENY COUNTY,
PENNSYLVANIA, AMENDING ORDINANCE #78-40, AS
AMENDED, BY FURTHER EXTENDING THE TIME LIMITATION
FOR THE PROVISIONS OF PENNSYLVANIA ACT 42 OF 1977
FROM DECEMBER 31, 2010 TO DECEMBER 31, 2013.**

MOTION: **Mr. Tedesco moved, seconded by Ms.
Diggs, "To adopt Bill #130."**

RC-25 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

CONTROLLER'S REPORT:

- Mr. Malinchak said he has a couple of questions for Dennis. He said on this Bill #113 Ordinance, he thought the discussion last night was that it was redundant. He said is it still on the Agenda.
- Mr. Pittman said those are two different questions. He said the answer to his first question he thinks is correct. He said is it still on the Agenda, he doesn't know.
- Mr. Malinchak said Mr. Pittman doesn't know why. He said why would it even be on here tonight at all. He said he thought that was settled last night that they already covered that when they passed the budget. He said he agrees with Dennis and thinks it is redundant. He said okay if that is the way they want to go then fine. He said again he needs Dennis' help. He said Bills #114 and #115 were not passed therefore he assumes right now that they don't have an agreement either with the Solicitor or the Special Counsel. He said he is sitting here with two checks.
- Mr. Pittman said he would defer that to Counsel but he doesn't think they have one.
- Mr. Cherepko said speaking of that
- Mr. Malinchak said he will tell him why he needs his guidance. He said he has two checks here, one for the Ira Weiss firm and one for Mr. Elash. He said it is quite clear they both did work in January and they earned their keep so to speak. He said he is going to sign the checks. He said

what is Mr. Pittman's position on signing checks without an agreement.

- Mr. Pittman said this would only be his opinion but he believes the Charter allows for the Mayor to appoint the Solicitor for a thirty day period and he thinks that Mr. Weiss's check covers a thirty day period. He said it would be his opinion that the invoices there should be honored with a check. He said he would add to that however, if he may, that he has an additional invoice from Mr. Weiss for out of pocket expenses for a personnel matter that was very sensitive to the City. He said it is itemized and they met three different times and the Mayor was included and the Union was included. He said the costs for those three meetings in the aggregate was \$288.75. He said that would be in excess of the \$5,000 and he believes it is his opinion that the bill should be paid also.
- Mr. Malinchak said he would assume right now that when he signs these checks and he gives them to Dennis, that Dennis will sign both of them.
- Mr. Pittman said he doesn't think he can sign a check for Mr. Elash because Mr. Elash does not have a contract with the City.
- Mr. Malinchak said he will get back to the Mayor and he apologizes in advance for nitpicking. He said Dennis said thirty days. He said isn't today day thirty-three.
- Mayor McLaughlin said he was done as of the end of the month.
- Mr. Malinchak said he means the Mayor can appoint a solicitor for thirty days. He said he would assume that the Mayor did this on January 1 so therefore the thirty days were up three days ago.
- Mayor McLaughlin said right.

- Mr. Malinchak said so they don't have another thirty day appointment.
- Mayor McLaughlin said no they don't.
- Mr. Malinchak said when he said
- Mayor McLaughlin said they can only do it one time according to the Charter.
- Mr. Malinchak said then what he said was true. He said they don't have a Solicitor and they don't have a Special Counsel. He said okay he understands. He said thank you very much. He said last month unfortunately they overlooked a package here. He said thank you Patty for bringing it to his attention. He said this is for the last meeting. He said he would like to add one more set of invoices for the approval of Council of \$28,515.74. He said he also has the other set of bills that is recommending for Council to approve for \$151,582.37. He said again the reason he is signing this check for Mr. Elash is that he thinks they have enough confusion in the room. He said he doesn't want to add to it.
- Mr. Pittman said if he may, he would feel uncomfortable signing it not because Mr. Elash did not do work because it is very clear he did do work. He said he doesn't know that it passes an audit and he doesn't know who to go ask to see if it does pass an audit. He said therefore he would have to defer until he got that opinion.
- Mr. Malinchak said they are both in a dilemma. He said how can they ask the Solicitor or Special Counsel for a ruling on this because it would be a conflict of interest. He said they are going to say sure pay me.
- Mr. Pittman said he doesn't think they should have an audit exception.
- Mr. Elash said he will be issuing a legal opinion to Mr. Pittman and he assures him that when he is the Solicitor he

- Mr. Malinchak said he understands. He said he recommends those two numbers that he shared with them to be approved by Council.
- Ms. Williams said the first number should be the total.
- Mr. Malinchak said thank you for correcting him again. He said the total for last month should have been \$40,204.98, which includes the \$28,515.74 that they left out.
- Mr. Pittman said may he ask if Mr. Malinchak feels it appropriate that the \$288.75 should be included with the \$5,000 for work performed in January.
- Mr. Malinchak said absolutely.

RC-26 YEAS: McCALL, SEGINA, WALKER, DELLAPENNA,
TEDESCO, CHEREPKO, DIGGS 7

NAYS: NONE..... 0

- Mr. Cherepko said he has one last item. He said once Mr. McLaughlin became Mayor and Mayor Brewster became Senator, it left an opening on the Personnel Committee. He said he was already on there as a Councilman. He said he now fills that role as Council President and they need a Councilman on the Committee. He said he is going to ask for a motion to appoint Dale McCall to the Personnel Committee.
- Mayor McLaughlin said wasn't this supposed to come to them five days prior.
- Mr. Segina said he thought the Vice President of Council was on the committee by the resolution.
- Mayor McLaughlin said it is the President and two Councilmen.

MOTION: **Ms. Diggs moved, seconded by Ms. Walker, "To appoint Dale McCall to the Personnel Committee."**

RC-27 YEAS: McCALL, WALKER, CHEREPKO, DIGGS..... 4
 NAYS: SEGINA, DELLAPENNA, TEDESCO 3

ADJOURNMENT:

President of Council Michael Cherepko adjourned the meeting at 9:15 p.m.

Respectfully submitted,

APPROVED:

Patricia A. Williams
City Clerk and Clerk of Council

Michael Cherepko
President of Council

daw

